



GOVERNMENT GAZETTE

OF THE

REPUBLIC OF NAMIBIA

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General Notice

MINISTRY OF WORKS, TRANSPORT AND COMMUNICATION

No. 239

1997

PROPOSED CIVIL AVIATION REGULATIONS :

PART 102 - RULES OF THE AIR AND GENERAL OPERATING RULES : OPERATION OF FREE BALLOONS AND AIRSHIPS

The Ministry of Works, Transport and Communication recently initiated the project to update the current Namibian aviation legislation. There are two main reasons for updating the aviation legislation, namely, the current legislation does not adequately reflect the policies of Namibia for the aviation sector and does not reflect recent developments within SADC. The project further aims to enhance the safety of civil

aviation by ensuring that the Namibian legislation complies with the minimum standards prescribed by the International Civil Aviation Organization.

Part of the short-term legislative reform involves the updating of the regulations made under the Aviation Act, 1962 (Act 74 of 1962).

Due to the nature and extensive range of subjects which need to be regulated, this part of the project will be executed in phases and regulations will be published accordingly. The proposed structure of the Civil Aviation Regulations is set out in Schedule 1.

All the definitions for the proposed civil aviation regulations will be contained and published in Part 1. The definitions for each Part will however be published with each set of proposed regulations, to facilitate the interpretation thereof. The definitions associated with the proposed regulations on the operation of free balloons and airships are set out in Schedule 2.

The Director : Civil Aviation invites all interested parties to comment on the proposed structure of the Civil Aviation Regulations, the proposed definitions associated with the proposed regulations, as well as the proposed regulations on the Operation of Free Balloons and Airships set out in Schedule 3. The proposed regulations represent Part 102 of the proposed structure.

The proposed regulations on the Operation of Free Balloons and Airships make provision for certain information to be contained in a document called Document NA-CATS-OPS 102. The compilation of the document does not form part of this project, but it is envisaged as a document that will contain all the technical standards regarding the operation of free balloons and airships.

Comments or representations should be lodged in writing and should reach the Ministry not later than **90 days** from the date of publication of this notice.

Correspondence should be addressed to:

The Director : Civil Aviation

Ministry of Works, Transport and Communication

Department of Transport

Private Bag 12003

WINDHOEK

Attention : Mr Louis Lourens

Telephone : 208-2159

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Upon expiry of the aforementioned 90 day period, all comments which have been received will be evaluated for possible incorporation into the proposed regulations on the Operation of Free Balloons and Airships and if necessary, a workshop will be held to finalise the proposed regulations

SCHEDULE 1
NAMIBIAN CIVIL AVIATION REGULATIONS STRUCTURE

<p>DEFINITIONS</p> <p>Part 1 Definitions</p> <p>PROCEDURES</p> <p>Part 11 Procedures for making regulations, issuing technical Standards and granting exemptions</p> <p>Part 12 Aviation accidents and incidents</p> <p>Part 13 Enforcement procedures</p> <p>AIRCRAFT</p> <p>Part 21 Certification procedures for products and parts</p> <p>Part 34 Engine Emissions</p> <p>Part 36 Noise certification</p> <p>Part 43 General maintenance rules</p> <p>Part 47 Aircraft registration and marking</p> <p>PERSONNEL</p> <p>Part 61 Pilot licensing</p> <p>Part 63 Flight engineer licensing</p> <p>Part 64 Cabin crew licensing</p> <p>Part 65 Air traffic service personnel licensing</p> <p>Part 66 Aircraft maintenance engineer licensing</p> <p>Part 67 Medical requirements</p> <p>RULES OF THE AIR AND GENERAL OPERATING RULES</p> <p>Part 91 General operating and flight rules</p> <p>Part 92 Conveyance of dangerous goods</p> <p>Part 98 Operation of powered paragliders</p> <p>Part 100 Operation of gyroplanes</p> <p>Part 101 Operation of unmanned balloons, kites, rockets, pilotless and model aircraft</p> <p>Part 102 Operation of free balloons and airships</p> <p>Part 103 Operation of microlight aeroplanes</p> <p>Part 104 Operation of gliders</p> <p>Part 105 Parachuting operations</p> <p>Part 106 Operation of hang gliders</p>	<p>CERTIFICATED AIRCRAFT OPERATORS AND OTHER FLIGHT OPERATIONS</p> <p>Part 121 Air transport operations - large aeroplanes</p> <p>Part 127 Air transport operations - helicopter</p> <p>Part 133 Helicopters external load operations</p> <p>Part 135 Air transport operations - small aeroplanes</p> <p>Part 137 Agricultural aircraft operations</p> <p>Part 138 Emergency medical services operations</p> <p>ORGANISATIONS</p> <p>Part 141 Aviation training organisations</p> <p>Part 145 Aircraft maintenance organisations</p> <p>Part 147 Design organisations</p> <p>Part 148 Manufacturing organisations</p> <p>Part 149 Aviation recreation organisations</p> <p>AERODROMES AND HELIPORTS</p> <p>Part 139 Licensing</p> <p>Part 139 General standards</p> <p>AIR TRAFFIC SERVICES</p> <p>Part 172 Airspace and air traffic services</p> <p>AERONAUTICAL INFORMATION AND RELATED SERVICES</p> <p>Part 174 Meteorological information services</p> <p>Part 175 Aeronautical information services</p> <p>ADMINISTRATION</p> <p>Part 183 General</p> <p>Part 185 Offences</p> <p>Part 187 Fees</p>
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SCHEDULE 2

Definitions

In these regulations, unless the context otherwise indicates -

“balloon” means a non-power-driven lighter-than-air aircraft, and for the purpose of Part 102, includes an airship;

“controlled airspace” means an airspace of defined dimensions within which an air traffic control service is provided to IFR flights and to VFR flights in accordance with the airspace classification as prescribed in regulation 172.02.2;

“day” means the period between the end of morning civil twilight and the beginning of evening civil twilight;

“Document NA-CATS-OPS 102” means a document on the Namibian Civil Aviation Technical Standards relating to Operation of Free Balloons and Airships which is published by the Director in terms of the Act.

SCHEDULE 3
LIST OF REGULATIONS

SUBPART 1 : GENERAL PROVISIONS

- 102.01.1 Applicability
- 102.01.2 Pilot qualifications

SUBPART 2 : OPERATING RULES

- 102.02.1 Airworthiness
- 102.02.2 Registration
- 102.02.3 Flight manual
- 102.02.4 Maintenance and inspection requirements
- 102.02.5 Equipment

SUBPART 3 : FLIGHT RULES

- 102.03.1 Hazardous operations
- 102.03.2 Flights in controlled airspace
- 102.03.3 Flight criteria

SUBPART 1
GENERAL PROVISIONS

Applicability

102.01.1 This Part shall apply to free balloons and contains -

- (a) in addition to the provisions of Part 91, the operating and flight rules relating to such operations; and
- (b) the exceptions to the general operating and flight rules prescribed in Part 91.

Pilot qualifications

102.01.2 No person shall act as pilot-in-command of a free balloon unless such person -

- (a) is the holder of a valid free balloon pilot licence or airship pilot licence, as the case may be, issued in terms of Part 61;
- (b) is the holder of a valid class 4 medical certificate issued in terms of Part 67;
- (c) complies with the privileges and limitations of a free balloon pilot licence or airship pilot licence, as the case may be;

- (d) complies with the competency requirements prescribed for the holder of a free balloon pilot licence or airship pilot licence, as the case may be; and
- (e) is a *bona fide* member of an aviation recreation organisation approved by the Director in terms of Part 149.

SUBPART 2

OPERATING RULES

Airworthiness

102.02.1 No person shall operate a free balloon unless such free balloon -

- (a) has been issued with a special flight permit in terms of Part 21; and
- (b) is in an airworthy condition.

Registration

102.02.2 No person shall operate a free balloon unless it is registered and marked in accordance with, and complies with, the provisions of Part 47.

Flight manual

102.02.3 Notwithstanding the provisions of regulation 91.03.2, a person may operate a free balloon without carrying a current approved flight manual.

Maintenance and inspection requirements

102.02.4 (1) The pilot-in-command of a free balloon shall ensure that the free balloon is in an airworthy condition before the commencement of each flight.

(2) The owner of a free balloon shall -

- (a) take such action as is necessary to ensure the continued airworthiness of the free balloon concerned; and
- (b) maintain the free balloon in accordance with the provisions of Part 43.

Equipment

102.02.5 No owner or pilot-in-command of a free balloon shall operate such free balloon unless it is equipped with the equipment as prescribed in Document NA-CATS-OPS 102.

SUBPART 3**FLIGHT RULES****Hazardous operations****102.03.1** No person shall -

- (a) operate any free balloon in a manner that creates, or is likely to create, a hazard to other persons or property; and
- (b) allow any object or substance to be dropped or dispensed from a free balloon if such action creates, or is likely to create, a hazard to other persons or property.

Flights in controlled airspace**102.03.2** No free balloon shall be flown within controlled airspace, unless -

- (a) it carries radio communication equipment capable of maintaining two-way communication with the responsible air traffic service unit;
- (b) prior permission to enter the controlled airspace has been obtained from the responsible air traffic service unit; and
- (c) two-way radio communication and a continuous radio watch is maintained while the balloon is flown within the controlled airspace.

Flight criteria

102.03.3 (1) All free balloon operations shall be conducted -

- (a) by day;
- (b) in meteorological conditions equal to or better than those prescribed as suitable for VFR flight and a surface wind not exceeding 10 knots; and
- (c) beneath any cloud ceiling.

(2) No free balloon operation shall be conducted -

- (a) over any congested area of a city, town or settlement; or
- (b) less than 3 nautical miles from the boundary of an aerodrome licensed in terms of Part 139.